

MEMORIAL

OF

CITIZENS OF TEXAS,

PRAYING

*That the Galveston and Red River Railway Company may be granted the privilege of extending their railroad through the territory of the United States to the Pacific ocean.*

JANUARY 24, 1849.

Referred to the Committee on Public Lands, and ordered to be printed.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the undersigned, citizens of the State of Texas, respectfully represents, that the vast acquisition of territory by the United States, secured by the late treaty of peace with Mexico, has attracted the attention of the commercial world to the importance and practicability of a communication between the Atlantic and Pacific oceans on some line within our national boundary. The advantages of this communication, when completed, to our country and to the world, cannot be overrated. It will not only open a convenient connexion between the remote and important portions of our domain bordering upon the two oceans, but will also place within our control the commercial relations between the nations of both hemispheres. This would make us the arbiters of peace and war for the great commercial and political powers of the globe—the proprietors and carriers upon this highway of nations, and by universal consent, necessarily arising from the advantages of our position, and from the confidence felt in the spirit of justice and equity pervading our free institutions, the controllers of those interests and relations upon which depend the harmony and prosperity of nations. Such, and other resulting considerations must, as your memorialists feel assured, address themselves spontaneously and with decisive effect to the consideration of your enlightened bodies, and lead to the adoption of prompt and adequate measures for the speedy attainment of this important object. In order to realize the advantages which this immense acquisition of territory is destined to produce, the intermediate country between those regions respectively bordering upon the Atlantic and Pacific waters *must be permeated by a railroad*. If there exists any more eligible mode of communication, it is beyond the ken of all ancient and modern experience and discovery, and has place alone in vague conjectures as to what the future may produce.

Aside from these and other considerations, the developement of our internal resources, the eliciting of our dormant mineral wealth, converting the capabilities of our soil into agricultural products, securing the thousands of miles of our southwestern frontier from Indian and foreign encroachments, giving value to unreclaimed regions by securing their speedy settlement and improvement, the consequent increase of national and individual prosperity and wealth—all concur in forcing upon the conviction of the community, and upon the especial attention of your honorable bodies, the necessity for the immediate adoption of measures tending to secure the prompt consummation of the suggested enterprise.

Your memorialists would show that the reasons which have caused the present application to your honorable bodies, have arisen from the conviction on their part, *firstly*, that the most feasible and practical route for a railroad connecting the two oceans, will be found through the State of Texas, commencing at a suitable point on the Gulf of Mexico; and after crossing the Rio Grande, above the Passo del Norte, proceeding to and along the valley of the Gila, and passing the head of the Gulf of California attain the Pacific coast at or near the bay of San Diego; and *secondly*, that the legislature of this State, partly with a view to this great enterprise, at its last session passed an act incorporating a company with authority to construct a railway from Galveston bay, or its contiguous waters, to some point on Red river, between the eastern boundary of Texas and Coffee's station, lying opposite to the mouth of the False Washita, with power to construct *branches* extending from any point on the projected railway to any other point in Texas. In the exercise of this power, the company has the undoubted right of constructing a branch leading westwardly from the main trunk to the Rio Grande, on the western boundary of our State. Such a branch might conveniently proceed from a point near Red river, and crossing the Trinity, Brazos, and Colorado near their sources, reach the desired point on the Rio Grande; or it might leave the main trunk near the parallel of 32° north, and proceed nearly due west to the last named river. In either event, other branches might easily be constructed; *dropping*, as it were, from the great western branch to any eligible points upon our southern coast, on the bays of Matagorda, Lavana, Aransas, and elsewhere. This charter secures to the company all the necessary rights, immunities, and powers for completing the great enterprise, so far as the territory of Texas is concerned, and effectually to consummate and attain a perfect and convenient connexion between the waters of the two oceans, nothing more is requisite than for Congress to concede to the company the right of extending the great western branch before mentioned across the newly-acquired territory of the United States to the coast of the Pacific. The entire length of this extended railway would not exceed 1,250 miles; and from the reports of military officers and others, in whose judgment reliance can be placed, the route is not impeded by mountains or any serious obstacles. Indeed it is stated upon high authority, that a four-horse carriage with its complement of passengers, can without difficulty, proceed from or above the Passo del Norte to San Diego upon the Pacific. On this line, the vast chain of mountains which traverses the continent from north to south throughout almost its entire length, seems cut down to a level, as if nature herself had designed *this* as the great central line of communication between the two oceans. The country east of the Rio Grande, as well as

that bordering upon the Pacific, and much of the intermediate portion is one of unbounded fertility, beauty, and healthfulness, producing in abundance, sugar, cotton, wheat, tobacco, and indeed the staples and fruits peculiar to every region and climate. The mountains of Texas lying north of the projected road, and adjacent to it, are well known to abound in the precious metals, rivaling in this respect the richest upon this continent, and were, in fact, among the first extensively worked by the Spaniards very soon after the conquest of Mexico by Cortez.

Among others, the ruins of the Goan Quivira, in the neighborhood of the Sierra Blanco and the sources of the Pueres, strown with the remains of superb ecclesiastical forms, military fortifications, and aqueducts many miles in length, rivalling those of Rome in costliness, structure, and durability, attest the value and importance of those mines, no less than the traditionary history of that city, and the specimens of gold and silver procured in that region, and occasionally exhibited by the Indians.

In this connexion it cannot be amiss to remark, that the projected railway from Galveston bay to Red river, from which the great western branch to the Pacific will proceed, and which connects this branch with the Gulf of Mexico, passes through a region of country, which in point of fertility, healthy and beautiful situations, desirable climate, and variety and abundance of agricultural products, is not surpassed by any other upon the face of the globe. This railway will form the outlet or communication to market of a region now comparatively isolated, extending from the head of the great Raft, on Red river, westwardly, beyond the upper Cross Timbers—a region more than six hundred miles in length, from east to west, and of proportional width, embracing the country on both sides of Red river, and extending almost to Santa Fe. That portion of this region lying east of the lower Cross Timbers, is rapidly filling up with a hardy and enterprising population. Indeed much of it has been settled for many years, and it is a singular fact, which rests upon incontrovertable proof, that the soil from the eastern boundary of Red River county to the utmost limits of the present settlements to the west, is not surpassed by that of any other region in producing, upon the same tract and in equal abundance, the great staples of cotton, wheat, and corn. *The wheat harvest comes on in May, about sixty days earlier than in the other wheat growing States of the Union.* This will give to the citizens of Texas settled in the valleys of the upper Red river, and in the upper valleys of the Trinity and the Brazos, the power of supplying the market of the South and East, including the gulf and Atlantic States, Mexico, South America, the West Indies, and Europe, with new flour for sixty days every year, without a rival. This new flour will be preferable to that manufactured from the wheat crop of the previous year, which must have become more or less injured, according to the length of time and circumstances under which it has been kept. For two months of every successive year, then, it must result, from the very nature of things, that almost the entire supply of the flour market of the world, will be furnished by the settlers in the immense wheat growing region above referred to, and from the fact that the city of New Orleans alone consumes 750 barrels of flour per day, an approximate calculation may be formed of the immense profits and advantages which must accrue from this article alone. Add to these considerations the immense amounts of cotton, beef, hemp, wool, pork, tobacco, also iron and coal, in which this region abounds,

and is capable of producing, to say nothing of other valuable products of every variety, and of the precious metals, all which will find their way with the utmost facility to a market, so soon as the Galveston and Red river railway shall be completed, and all which are now absolutely excluded from market, excepting cotton alone, which (virtually so, or as bad) is carried down Red river to New Orleans at an expense of from 5 to 7 dollars per bale, subject to all the damages, delays, and casualties attending the ever doubtful and obstructed navigation of that stream; and we have the assurance that the completion of this railway under the Texas charter will secure to that State *directly*, and indirectly to the commercial world, as important benefits and blessings as those which have resulted from the construction of the Erie canal.

This railway, extending from Galveston bay to Red river, about 300 miles in length, in addition to its connecting with a market, a territory of such magnificent extent, now virtually without any reliable or convenient thoroughfare through which its products can be transported, and without any means whereby the boundless wealth of its innate but dormant resources can ever be realized or made available, will form *the main trunk or base*, from which any number of branches may be constructed, either east or west as circumstances may require within the bounds of Texas, without the necessity of applying for a further legislative grant of chartered powers. By means of the eastern branches a connexion may be easily formed with any existing or contemplated railroad in the older States, or with any point on the Mississippi, the Great Lakes, or the Atlantic coast.

Your memorialists refer your honorable bodies to the accompanying charter of the Galveston and Red River Railway, passed by the legislature of Texas on the 11th day of March, A. D., 1848, and to the recently published map of Texas, the maps of the newly-acquired territory under the late treaty with Mexico, to the reports of military officers and engineers in the War Department, and to the statements of gentlemen in government service, and others at Washington, who are acquainted with the route referred to from the Rio Grande, along the valley of the Gila to the bay of San Diego, to establish the truth of the statements and the correctness of the conclusions herein presented.

The importance and prospective advantages of the newly-acquired territory, including Texas, to the Union, is a subject of national congratulation. Centuries of conquest and ages of successful advancement among the nations of the Old World have never effected achievements and acquisitions so great, honorable, or beneficial as those resulting to the United States of America from these sources within the last three years. This subject forms a prominent feature in the late executive message, and the fact, that cities and marts of commerce are speedily to spring into existence upon our western coast, rivaling the great emporia of the East, is therein distinctly shadowed forth. But it will readily occur to every reflecting mind, that we may look in vain for such results, until there shall be opened an adequate channel of communication across our newly-acquired territory, between the shores of the Atlantic and Pacific oceans. So soon as this shall be effected, cities and towns will immediately spring up on the *western*, rivaling those upon the *eastern* coast; and the trade of Asia, Australia, and the islands of the Pacific will be subservient to our national interests, and pour its tide of wealth through our national territory, diffusing its benefits upon every State and every individual citizen of the Union.



The government, protection, and prosperity of our immense possessions on the Pacific coast, must for many years, depend upon the supervision and care of the national government at Washington; and in order to extend these effectually and beneficially, a rapid and certain communication across the continent is indispensable. This supervision, care, and protection of the general government must not, as now, be compelled to double Cape Horn or depend upon the capricious courtesy of a foreign power for the privilege of crossing the isthmus of Tehuantepec or elsewhere, to reach their destined place of action, which should depend upon no such contingencies or delays.

The only alternative is the construction of a railroad across the continent, either by the government itself or by private enterprise, fostered by its permission and encouragement.

To attain this object two routes alone have been, or as your memorialists believe, can be suggested, viz: *the one referred to herein, and the other, the northern route, proposed by Mr. Whitney*, having its eastern terminus at Chicago, or on the upper Missouri. Your memorialists propose no comparison of advantages between these two routes, however confident they may be of the superior advantages of the one they recommend. They do not come into competition or rivalry with each other. The completion of this does not necessarily affect the construction of the other; nor will the privileges here sought by your memorialists, vest in them a monopoly, or hinder the granting of similar or even more advantageous privileges to any other persons or companies. They do not ask, that in granting the privilege to this company to extend its railway to the Pacific, that any other lines of like communication should be cut off or excluded from being carried into operation; nor do they ask that Congress shall exercise any *doubtful constitutional powers* in making any appropriations to them, or for their benefit, either in *money, land, or any other thing of value*. They simply ask the privilege and right of extending and continuing the aforesaid railroad in accordance with the charter before referred to across the territory of the United States, from the Rio Grande on the western boundary of Texas, to the Pacific on any line south of the parallel of 36° north latitude.

Wherefore your memorialists respectfully pray, that the aforesaid right and privilege may be granted to the said company, with such reasonable reservations and restrictions as the interests of the government and people of the United States may require, not thereby so abridging or circumscribing the rights and powers of the company as to defeat the accomplishment of the great object for which it was incorporated, and in furtherance of which this memorial is presented.

And as in duty bound, your memorialists will ever pray, &c. &c.

Ebenezer Allen,  
Benjamin C. Franklin,  
William G. Hale,  
Hugh McQueen,  
E. M. Pease,  
J. W. Moore,  
Peter McGreal,  
Jos. C. Megginson,  
Thos. F. McKinney,  
Jno. H. Bennet,

Samuel M. Williams,  
Ovid F. Johnson,  
A. P. Thompson,  
M. M. Potter,  
F. H. Merriman,  
Joseph Emerson,  
Jos. Osterman,  
Aug. Hotchkiss,  
James Love,  
J. C. Shaw,

H. G. Runnels,  
 Oscar Farish,  
 P. Bryan,  
 R. K. Hartley,  
 F. Cummings,  
 Geo. W. Paschal,  
 Thos. M. Joseph,  
 Jno. B. Jones,  
 John C. Watrous,  
 Samuel Yerger,  
 Wm. R. Smith,  
 Henry Potter,  
 W. Alexander,  
 Wm. H. Rhodes,  
 George B. Innes,  
 James G. Hurd,  
 J. B. Ayers,  
 Geo. W. Hockley,  
 H. B. Martin,  
 D. S. Kelsey,  
 S. W. Tichinor,  
 R. M. Donald,  
 Charles A. Dexter,  
 J. A. Swett,  
 Richard C. Barry,  
 John C. Taylor,  
 H. W. Wagner,  
 Jas. H. Collins,  
 Oliver C. Hartley,

W. P. Ballinger,  
 E. P. Hunt,  
 J. Bates,  
 John W. Harris,  
 Wm. N. Sparks,  
 Rob. Hughes,  
 A. M. Hughes,  
 J. S. Savage,  
 L. S. Robinson,  
 T. S. Stickdale,  
 Lorenzo Sherwood,  
 G. A. Jones,  
 Thos. Keetch,  
 J. R. Williams,  
 Frs. Hughs,  
 Richard Hennesy,  
 Bernard McDonnell,  
 Joseph Anstartt,  
 Nath. A. Ware,  
 J. M. Jones,  
 Levi Jones,  
 N. D. Labadee,  
 W. Richardson,  
 Jno. J. B. Hoxey,  
 Robt. Rose,  
 J. M. Odin,  
 J. S. Vedder,  
 Wm. Banks.

AN ACT to establish the Galveston and Red river railway company.

SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That a body politic and corporate be, and the same is hereby created and established, under the name and style of the Galveston and Red River Railway Company, with capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its said corporate name to sue and be sued, to grant and to receive, and generally to do and perform all such acts and things as may be necessary or proper for, or incident to, the fulfilment of its obligations or the maintenance of its rights under this act, and consistent with the provisions of the constitution of this State.

SEC. 2. That the said company be, and hereby is, invested with the right of making, owning, and maintaining a railway from such point on Galveston bay, or its contiguous waters, to such point upon Red river, between the eastern boundary line of Texas and Coffee's station, as the said company may deem most suitable, with the privilege of making, owning, and maintaining such branches to the railway as they may deem expedient.

SEC. 3 That Ebenezer Allen, and such other persons as he may associate with him for the purpose, are hereby appointed commissioners and

invested with the right and privilege of forming and organizing the said company, of obtaining subscriptions to the capital stock, and distributing the shares thereof; and generally of taking such lawful measures to secure the effectual organization and successful operation of said company as they may deem expedient.

SEC. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute the said company; and each member shall be entitled to one vote, in person or by proxy, for each and every share he may own; and such shares of stock shall be transferable alone upon the books of the company, which books shall be kept open for the inspection of any stockholder who may wish to examine them at the office of the company in proper business hours.

SEC. 5. That the affairs and business of the said company shall be conducted and managed by a board of directors, not to exceed nine in number, who shall be elected by the company, at such time as the said commissioners may appoint, and annually thereafter: *Provided*, That in case of failure so to elect at the stated time, the board of directors incumbent shall continue in office until there be an election, the time for which may be fixed by said board, whereof reasonable notice shall be given.

SEC. 6. That no person shall be eligible as a director unless he be owner of at least five shares of the capital stock. The said board shall elect a president from their number, to fill vacancies occurring from death, resignation, or otherwise, have power to appoint a secretary and such other officers as they may consider necessary, and to require security for the faithful performance of their duties; also, to prescribe the time for the payment of instalments or assessments upon the stock, and the amount of such instalments or assessments; to declare the forfeiture of such stock for non payment; and to do, or cause to be done, all other lawful acts or things which they may deem necessary or proper in conducting the business of said company. A majority of said board of directors shall constitute a quorum for doing business. All instruments in writing executed by the president and secretary under the seal of the company, with the consent of the board of directors shall be valid and binding.

SEC. 7. That the said company shall be empowered to occupy such portions of the public lands, not exceeding one hundred yards in width, as the said railway or any of its branches to be constructed in accordance with this act shall pass through, and to take from the public lands contiguous thereto, such metals, timber, and other materials, as may be useful or necessary in the construction and maintainence of their works, and the prosecution of their operations or business; the company paying a reasonable compensation to the State for the said privilege.

SEC. 8. That if the said company shall not commence its operations within two years from the first day of June, 1848, and shall not have completed at least one hundred miles of the said railway within five years thereafter, then, and in such case, the rights, powers, and privileges herein granted to the said company for the construction of said railway, shall cease and be determined.

SEC. 9. That the said company shall have the right of constructing bridges and other improvements upon and over any water-course bordering upon or crossing the said railway, or any of its branches: *Provided*, That the navigation of such water-course shall not be obstructed thereby

SEC. 10. That if any person shall negligently or designedly injure or destroy any of the fixtures, buildings, machines or improvements of the company, or any portion of the said railway or its branches, he shall be subject to indictment therefor, and on conviction, may be punished by fine and imprisonment, and shall be also liable to the said company in a civil action for damages.

SEC. 11. That no provision contained in this act shall be so construed as to grant or allow any banking privileges, or any privilege of issuing any species of paper to circulate as money to the aforesaid company.

SEC. 12. That the said company shall have the right to charge five cents per mile for passengers and no more, and shall have the right to charge not exceeding fifty cents on the hundred pounds for freight for every hundred miles that the same may be transported on said railway: *Provided, however*, that the legislature of the State of Texas shall have the right to fix and regulate the price that said company shall charge for carrying the public mails of the United States.

JAMES W. HENDERSON,

*Speaker of the House of Representatives.*

JOHN A. GREER,

*President of the Senate.*

Approved March 11, 1848.

GEO. T. WOOD.